

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission	:	
On Its Own Motion	:	
-vs-	:	
Mt. Carmel Public Utility Company	:	02-0713
	:	
Reconciliation of revenues collected	:	
under fuel adjustment charges with	:	
actual costs prudently incurred.	:	

ORDER

By the Commission:

I. PROCEDURAL HISTORY

On November 7, 2002, the Illinois Commerce Commission ("Commission") entered an Order Commencing FAC Reconciliation Proceedings, which directed Mt. Carmel Public Utility Company ("Mt. Carmel") to present evidence in this docket at a public hearing to show the reconciliation of revenues collected under its Fuel Adjustment Clause ("FAC") tariff with the actual cost of fuel supplies prudently incurred and recoverable under said FAC tariff for the year ending December 31, 2002, (the "Reconciliation Period"). Notice of the filing of Mt. Carmel's testimony and schedules with the Commission was posted in Mt. Carmel's business offices and was published in newspapers having general circulation in its service territory, in the manner prescribed by 83 Ill. Adm. Code 255, in compliance with the Commission's November 7, 2002 order.

Pursuant to proper legal notice, a prehearing conference was held in this matter before a duly authorized Administrative Law Judge of the Commission at its offices in Springfield, Illinois on May 6, 2003. Thereafter, an evidentiary hearing was held on September 25, 2003. Appearances were entered by counsel on behalf of Mt. Carmel and by members of the Commission's Energy and Financial Analysis Divisions ("Staff"). Evidence was presented by Mt. Carmel and Staff, and at the conclusion of the evidentiary hearing, the record was marked "Heard and Taken."

The record contains a detailed description of Mt. Carmel's practices and procedures for reconciling the revenues collected under its FAC tariff with the actual costs recoverable under such tariff during the Reconciliation Period.

II. GOVERNING AUTHORITY

Section 9-220 of the Public Utilities Act ("Act"), 220 ILCS 5/1-101 et seq., provides in part that "notwithstanding the provisions of Section 9-201, the Commission may authorize the increase or decrease of rates and charges based upon changes in the cost of fuel used in the generation or production of electric power, [or] changes in the cost of purchase power...through the application of fuel adjustment clauses...." Rules implementing Section 9-220 are contained in 83 Ill Adm. Code 425, "Uniform Electric Fuel Adjustment." Under Section 425.20, "the fuel charge passed through the FAC is the total amount of allowable fuel and fuel related charges as identified herein." The formula for determining the fuel adjustment charge per KWH is set forth in Section 425.30. Rules regarding economic dispatch, billing periods, allowable fuel and fuel related charges, allowable energy charges associated with purchased power, base fuel cost non-jurisdictional sales, and desulfurization cost are contained in Section 425.40.

III. EVIDENCE PRESENTED

A. Mt. Carmel's Position

Philip Barnhard, IV, Mt. Carmel's President, testified that Mt. Carmel purchased all of its electric power requirements in calendar year 2002 from Ameren Energy Company. He testified as to his responsibility for supervising the calculation and filing with the Commission of Mt. Carmel's monthly FAC and annual reconciliation required by Mt. Carmel's FAC tariff. Mr. Barnhard sponsored Exhibits E-1 and E-2 to his direct testimony that identified and reconciled all components of Mt. Carmel's 2002 fuel costs and recoveries. Exhibit E-1 shows Mt. Carmel's fuel adjustment charge rate sheets. Exhibit E-2 shows that Mt. Carmel had an under-recovery of \$89,412.07 for calendar year 2002, and an under-recovery balance at December 31, 2002 of \$41,689.47. The under-recovery balance was charged to Mt. Carmel's customers in January and February 2003, resulting in a requested ordered reconciliation factor of (\$754.00). Mr. Barnhard also expressed the opinion that Mt. Carmel's procurement of fuel supply purchases was prudent during 2002.

B. Staff's Position

Bonita Pearce, a member of the Accounting Department of the Financial Analysis Division, testified that Staff reviewed Mt. Carmel's filing and the underlying documents that support the FAC reconciliation calculations. Ms. Pearce stated that Staff found no reason to object to Mt. Carmel's reconciliation of FAC revenues collected under its FAC tariff with the actual cost of fuel supplies. Ms. Pearce recommends that the Commission accept the reconciliation of revenues collected under the FAC tariff with actual costs, as reflected on Mt. Carmel Exhibit E-2.

James Spencer, a member of the Engineering Department of the Energy Division, also testified that Staff reviewed Mt. Carmel's filing and responses to extensive data requests concerning the prudence of its fuel supply purchases during the reconciliation period. Mr. Spencer further stated that Staff found no reason to dispute Mt. Carmel's assertion that all fuel and power supply purchases were prudently incurred during the Reconciliation Period.

IV. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having considered the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) Mt. Carmel is a corporation engaged in the distribution of electricity and natural gas to the public in Illinois and, as such, is a public utility within the meaning of the Act;
- (2) the Commission has jurisdiction over Mt. Carmel and of the subject matter of this proceeding;
- (3) the statements of fact set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (4) the evidence shows that during the Reconciliation Period, Mt. Carmel acted reasonably and prudently in its purchase of fuel; and
- (5) for the Reconciliation Period, the Commission accepts Mt. Carmel's proposed reconciliation of revenues collected under its FAC tariff with the actual cost of fuel supplies during that year as described in Exhibit E -2 to the direct testimony of Philip Barnhard; this reconciliation is attached to this Order as the Appendix.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the reconciliation submitted by Mt. Carmel Public Utility Company of the revenues collected under its FAC tariff with costs prudently incurred for the purchase of fuel for calendar year 2002 is hereby approved.

IT IS FURTHER ORDERED that Mt. Carmel Public Utility Company refund the Factor O of \$754.00 in its first monthly FAC filing following the date of this Order.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By order of the Commission this 12th day of November, 2003.

(SIGNED) EDWARD C. HURLEY

Chairman